

APPENDIX No. 2

Mr. SCOTT, K.C.: The railway companies prefer to have the right to deal privately with private owners, where both parties agree, without invoking the Act. It seems to me that an injustice will be done to the owners of industries to proceed in that way, if they are forced to do so under the Act.

The CHAIRMAN: Is the Committee ready for the question?

Mr. MACDONELL: Just wait, while we consider the amendment.

Mr. CHRYSLER, K.C.: I agree with what Mr. Scott has said. Where the branch is constructed under section 186, it is virtually dedicated to the uses of the Act. That is what happens and it is proper enough that it should be subject to extension.

Mr. MACDONELL: I will be glad to accept section 186. The difficulty is that section 187 confines the section to spurs that are "constructed pursuant to the said section."

Mr. CHRYSLER, K.C.: This is the case: Suppose I am an adjoining owner, as Mr. Scott put it, of a piece of ground for factory purposes. My ground is sufficient for my purpose. At present I can put in a siding and run cars in, and as the Minister says, for a great part of the time, the cars might be just standing there and the siding be used as a storage track.

Mr. MACDONELL: Could we add the word "compensation" after the word "reasonable?"

Mr. CHRYSLER, K.C.: Compensation won't do in many cases. You may spoil my whole business by turning that spur into a main track.

Mr. MACDONELL: Are the public to have no rights?

Mr. JOHNSTON, K.C.: Mr. Chrysler is raising this point: He has land adjoining the railway; he has a private spur put in on his own land. Is it reasonable that that spur be extended?

Mr. CHRYSLER, K.C.: Not at his expense.

Mr. JOHNSTON, K.C.: The result will be, if this is generally known, that these men will not put in these sidings, because they run the risk then of having them converted into branch railways.

Mr. MACDONELL: I will leave in the words "pursuant to the said section," and after the word "section" add the words, "and to have such spur or branch line extended." That merely permits the extension.

Mr. CHRYSLER, K.C.: I think that is all right, Mr. Macdonell.

Mr. MACDONELL: I am not desiring to take any short cut.

Mr. JOHNSTON, K.C.: I would suggest that you use the word "or" instead of "and."

The CHAIRMAN: Is the Committee ready to adopt this section? It is difficult to follow Mr. Macdonell's argument.

Mr. MACDONELL: I will leave section 187 as it is, except by adding after the word "section" the words "or to have such spur or branch line extended."

Mr. JOHNSTON, K.C.: Mr. Chrysler has no objection to that.

The CHAIRMAN: Shall the clause as amended be adopted?

Section adopted as amended.

On section 461—Repeal.

The CHAIRMAN: The last section, No. 461, is not passed.

Mr. JOHNSTON, K.C.: Regarding the repeal we must add two Acts which were passed since this Bill was drawn, Chapter 50 of 4-5 George V and Chapter 2 of 6-7 George V.

The CHAIRMAN: Shall section 461, as amended, be adopted?

Carried.